

AMENDED IN SENATE JULY 1, 2003

AMENDED IN SENATE JUNE 24, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

No. 1238

Introduced by Assembly Member Firebaugh

February 21, 2003

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An act to amend *Section 11580.9 of the Insurance Code*, and to amend Sections 34501.12, 34620, and 34621 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1238, as amended, Firebaugh. Vehicles: *liability insurance*: terminal inspections.

(1) *Existing law provides that where 2 or more personal policies affording liability insurance that apply to the same motor vehicle in an occurrence out of which a loss arises, and one policy is primary and one or more policies are excess, then each insurer shall pay for the cost of defense in proportion to the percentage of total damages paid by that insurer, as specified.*

*This bill, for purposes of those provisions, would revise the definition of commercial vehicle.*

(2) Existing law requires the Department of the California Highway Patrol to inspect, at least every 25 months, every terminal of a motor carrier, as defined, that directs the operation of or maintains a commercial vehicle in this state, as specified. Existing law requires each motor carrier to submit an application to the department and either a

\$400 or a \$100 fee per terminal, as specified, in connection with this inspection program.

This bill would increase the amount of the fee for an initial enrollment into the program to \$650 and \$400, respectively, and would specify that the renewal fees are \$400 and \$100, respectively, per terminal.

*(3) Existing law prohibits a motor carrier of property to operate a commercial motor vehicle on any public highway unless it complies with motor carrier identification number requirements.*

*This bill would, additionally, require a motor carrier to hold a valid motor carrier permit issued by the department. By creating a new crime with respect to vehicle requirements, this bill would impose a state-mandated local program.*

~~(2)~~

*(4) Existing law requires an application for an original or a renewal motor carrier permit to include specified information.*

This bill, additionally, would require an application to include evidence of enrollment in the biennial inspection of terminals (BIT) program described under 1 above, unless exempted, and evidence of enrollment in a controlled substance and alcohol use and testing (CSAT) program as required under existing law, unless exempted.

*(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 11580.9 of the Insurance Code is*  
2 *amended to read:*

3 11580.9. (a) Where two or more policies affording valid and  
4 collectible automobile liability insurance apply to the same motor  
5 vehicle in an occurrence out of which a liability loss shall arise, and  
6 one policy affords coverage to a named insured engaged in the  
7 business of selling, repairing, servicing, delivering, testing,

1 road-testing, parking, or storing motor vehicles, then both of the  
2 following shall be conclusively presumed:

3 (1) If, at the time of loss, the motor vehicle is being operated  
4 by any person engaged in any of these businesses, or by his or her  
5 employee or agent, the insurance afforded by the policy issued to  
6 the person engaged in the business shall be primary, and the  
7 insurance afforded by any other policy shall be excess.

8 (2) If, at the time of loss, the motor vehicle is being operated  
9 by any person other than as described in paragraph (1), the  
10 insurance afforded by the policy issued to any person engaged in  
11 any of these businesses shall be excess over all other insurance  
12 available to the operator as a named insured or otherwise.

13 (b) Where two or more policies apply to the same loss, and one  
14 policy affords coverage to a named insured engaged in the business  
15 of renting or leasing motor vehicles without operators, it shall be  
16 conclusively presumed that the insurance afforded by that policy  
17 to a person other than the named insured or his or her agent or  
18 employee, shall be excess over and not concurrent with, any other  
19 valid and collectible insurance applicable to the same loss  
20 covering the person as a named insured or as an additional insured  
21 under a policy with limits at least equal to the financial  
22 responsibility requirements specified in Section 16056 of the  
23 Vehicle Code. The presumption provided by this subdivision shall  
24 apply only if, at the time of the loss, the involved motor vehicle  
25 either:

26 (1) ~~Qualifies as a "commercial vehicle" as that term is used in~~  
27 ~~Section 260 of the Vehicle Code.~~ *vehicle." For purposes of this*  
28 *subdivision, "commercial vehicle" means a type of vehicle subject*  
29 *to registration or identification under the laws of this state and is*  
30 *one of the following:*

31 (A) *Used or maintained for the transportation of persons for*  
32 *hire, compensation, or profit.*

33 (B) *Designed, used, or maintained primarily for the*  
34 *transportation of property.*

35 (2) *Has been leased for a term of six months or longer.*

36 (c) Where two or more policies are applicable to the same loss  
37 arising out of the loading or unloading of a motor vehicle, and one  
38 or more of the policies is issued to the owner, tenant, or lessee of  
39 the premises on which the loading or unloading occurs, it shall be  
40 conclusively presumed that the insurance afforded by the policy

1 covering the motor vehicle shall not be primary, notwithstanding  
2 anything to the contrary in any endorsement required by law to be  
3 placed on the policy, but shall be excess over all other valid and  
4 collectible insurance applicable to the same loss with limits up to  
5 the financial responsibility requirements specified in Section  
6 16056 of the Vehicle Code; ~~and, in.~~ *In* that event, the two or more  
7 policies shall not be construed as providing concurrent coverage,  
8 and only the insurance afforded by the policy or policies covering  
9 the premises on which the loading or unloading occurs shall be  
10 primary and the policy or policies shall cover as an additional  
11 insured with respect to the loading or unloading operations all  
12 employees of the owner, tenant, or lessee while acting in the course  
13 and scope of their employment.

14 (d) Except as provided in subdivisions (a), (b), and (c), where  
15 two or more policies affording valid and collectible liability  
16 insurance apply to the same motor vehicle or vehicles in an  
17 occurrence out of which a liability loss shall arise, it shall be  
18 conclusively presumed that the insurance afforded by that policy  
19 in which the motor vehicle is described or rated as an owned  
20 automobile shall be primary and the insurance afforded by any  
21 other policy or policies shall be excess.

22 (e) Any insurance policy which, under the terms of  
23 subdivisions (a) to (d), inclusive, applies as excess coverage may  
24 provide with respect to any primary policy or to any loss to which  
25 primary insurance is not valid and collectible in whole or in part,  
26 that the excess policy shall apply only to the extent necessary to  
27 provide the insured with the coverage limits specified in Section  
28 16056 of the Vehicle Code.

29 (f) The presumptions stated in subdivisions (a) to (d),  
30 inclusive, may be modified or amended only by written agreement  
31 signed by all insurers who have issued a policy or policies  
32 applicable to a loss described in these subdivisions and all named  
33 insureds under these policies.

34 (g) Where two or more personal policies affording valid and  
35 collectible liability insurance apply to the same motor vehicle in  
36 an occurrence out of which a loss shall arise, and one policy, as  
37 defined in subdivision (a) of Section 660, is primary, either by its  
38 terms or by operation of law, and one or more of the personal  
39 policies providing liability insurance, as defined in Section 108,



1 are excess, either by their terms or by operation of law, then the  
2 following shall apply:

3 (1) Each insurer shall pay its share of the defense costs. Each  
4 insurer's share of the defense costs shall be the percentage of the  
5 total defense costs equal to the amount of damage paid by that  
6 insurer as a percentage of total damages paid by all insurers whose  
7 policies apply to that motor vehicle.

8 (2) The term "defense costs" means, for purposes of this  
9 subdivision, reasonable attorney's fees and expenses,  
10 investigation expenses, expert witness fees, and costs allowable  
11 under Section 1033.5 of the Code of Civil Procedure.

12 (h) For purposes of this article, a certificate of self-insurance  
13 issued pursuant to Section 16053 of the Vehicle Code or a deposit  
14 of cash made pursuant to Section 16054.2 of the Vehicle Code or  
15 a bond in effect pursuant to Section 16054 of the Vehicle Code or  
16 a report of governmental ownership or lease filed pursuant to  
17 Section 16051 of the Vehicle Code shall be considered a policy of  
18 automobile liability insurance. However, this subdivision does not  
19 establish or provide the basis for any other form of liability for or  
20 upon a self-insurer or other person or entity holding, issuing, or  
21 establishing any form of security as described herein.

22 *SEC. 2.* Section 34501.12 of the Vehicle Code is amended to  
23 read:

24 34501.12. (a) Notwithstanding Section 408, as used in this  
25 section and Sections 34505.5 and 34505.6, "motor carrier" means  
26 the registered owner of any vehicle described in subdivision (a),  
27 (b), (e), (f), or (g) of Section 34500, except in the following  
28 circumstances:

29 (1) The registered owner leases the vehicle to another person  
30 for a term of more than four months. If the lease is for more than  
31 four months, the lessee is the motor carrier.

32 (2) The registered owner operates the vehicle exclusively  
33 under the authority and direction of another person. If the  
34 operation is exclusively under the authority and direction of  
35 another person, that other person may assume the responsibilities  
36 as the motor carrier. If not so assumed, the registered owner is the  
37 motor carrier. A person who assumes the motor carrier  
38 responsibilities of another pursuant to subdivision (b) shall  
39 provide to that other person whose motor carrier responsibility is  
40 so assumed, a completed copy of a department form documenting

1 that assumption, stating the period for which responsibility is  
2 assumed, and signed by an agent of the assuming person. A legible  
3 copy shall be carried in each vehicle or combination of vehicles  
4 operated on the highway during the period for which responsibility  
5 is assumed. That copy shall be presented upon request by any  
6 authorized employee of the department. The original completed  
7 departmental form documenting the assumption shall be provided  
8 to the department within 30 days of the assumption. If the  
9 assumption of responsibility is terminated, the person who had  
10 assumed responsibility shall so notify the department in writing  
11 within 30 days of the termination.

12 (b) (1) A motor carrier may combine two or more terminals for  
13 purposes of the inspection required by subdivision (d) subject to  
14 all of the following conditions:

15 (A) The carrier identifies to the department, in writing, each  
16 terminal proposed to be included in the combination of terminals  
17 for purposes of this subdivision prior to an inspection of the  
18 designated terminal pursuant to subdivision (d).

19 (B) The carrier provides the department, prior to the inspection  
20 of the designated terminal pursuant to subdivision (d), a written  
21 listing of all its vehicles of a type subject to subdivision (a), (b),  
22 (e), (f), or (g) of Section 34500 that are based at each of the  
23 terminals combined for purposes of this subdivision. The listing  
24 shall specify the number of vehicles of each type at each terminal.

25 (C) The carrier provides to the department at the designated  
26 terminal during the inspection all maintenance records and driver  
27 records and a representative sample of vehicles based at each of the  
28 terminals included within the combination of terminals.

29 (2) If the carrier fails to provide the maintenance records,  
30 driver records, and representative sample of vehicles pursuant to  
31 subparagraph (C) of paragraph (1), the department shall assign the  
32 carrier an unsatisfactory terminal rating and require a reinspection  
33 to be conducted pursuant to subdivision (h).

34 (3) For purposes of this subdivision, the following terms have  
35 the meanings given:

36 (A) “Driver records” includes pull notice system records,  
37 driver proficiency records, and driver timekeeping records.

38 (B) “Maintenance records” includes all required maintenance,  
39 lubrication, and repair records and drivers’ daily vehicle condition  
40 reports.



(C) “Representative sample” means the following, applied separately to the carrier’s fleet of motortrucks and truck tractors and its fleet of trailers:

Fleet Size	Representative Sample
1 or 2	All
3 to 8	3
9 to 15	4
16 to 25	6
26 to 50	9
51 to 90	14
91 or more	20

(c) Each motor carrier who, in this state, directs the operation of, or maintains, any vehicle of a type described in subdivision (a) shall designate one or more terminals, as defined in Section 34515, in this state where vehicles can be inspected by the department pursuant to paragraph (4) of subdivision (a) of Section 34501 and where vehicle inspection and maintenance records and driver records will be made available for inspection.

(d) (1) The department shall inspect, at least every 25 months, every terminal, as defined in Section 34515, of any motor carrier who, at any time, operates any vehicle described in subdivision (a).

(2) The department shall place an inspection priority on those terminals operating vehicles listed in subdivision (g) of Section 34500.

(3) As used in this section and in Sections 34505.5 and 34505.6, subdivision (f) of Section 34500 includes only those combinations where the gross vehicle weight rating (GVWR) of the towing vehicle exceeds 10,000 pounds, but does not include a pickup truck, and subdivision (g) of Section 34500 includes only those vehicles transporting hazardous material for which the display of placards is required pursuant to Section 27903, a license is required pursuant to Section 32000.5, or for which hazardous waste transporter registration is required pursuant to Section 25163 of the Health and Safety Code. Historical vehicles, as described in Section 5004, vehicles that display special identification plates in accordance with Section 5011, implements of husbandry and farm vehicles, as defined in Chapter 1



(commencing with Section 36000) of Division 16, and vehicles owned or operated by an agency of the federal government are not subject to this section or to Sections 34505.5 and 34505.6.

(e) (1) It is the responsibility of the motor carrier to schedule with the department the inspection required by subdivision (d). The motor carrier shall submit an application form supplied by the department, accompanied by the required fee. The *initial* fee, which is nonrefundable, for a carrier that initially enrolls into the program, is six hundred fifty dollars (\$650) per terminal. The initial fee is four hundred dollars (\$400) for ~~an owner-operator, or a nonregulated~~ a motor carrier that owns, leases, or otherwise operates not more than one heavy power unit and not more than three towed vehicles ~~described in subdivision (a), (b), (c), (f), or (g) of Section 34500~~ subject to this section. The renewal fee, which is nonrefundable, is four hundred dollars (\$400) per terminal, except in the case of ~~an owner-operator, or a nonregulated~~ a motor carrier who owns, leases, or otherwise operates not more than one heavy power unit and not more than three towed vehicles ~~described in subdivision (a), (b), (c), (f), or (g) of Section 34500~~ subject to this section, for which the fee shall be one hundred dollars (\$100). Federal, state, and local public entities are exempt from the fee requirements of this section.

(2) Except as provided in paragraph (4), the inspection term for each inspected terminal of a motor carrier shall expire 25 months from the date the terminal receives a satisfactory compliance rating, as specified in subdivision (h). Applications and fees for subsequent inspections shall be submitted not earlier than nine months and not later than seven months before the expiration of the motor carrier's then current inspection term. If the motor carrier has submitted the inspection application and the required accompanying fees, but the department is unable to complete the inspection within the 25-month inspection period, then no additional fee shall be required for the inspection requested in the original application.

(3) All fees collected pursuant to this subdivision shall be deposited in the Motor Vehicle Account in the State Transportation Fund. An amount equal to the fees collected shall be available for appropriation by the Legislature from the Motor Vehicle Account to the department for the purpose of conducting truck terminal



1 inspections and for the additional roadside safety inspections  
2 required by Section 34514.

3 (4) To avoid the scheduling of a renewal terminal inspection  
4 pursuant to this section during a carrier's seasonal peak business  
5 periods, the current inspection term of a terminal that has paid all  
6 required fees and has been rated satisfactory in its last inspection  
7 may be reduced by not more than nine months if a written request  
8 is submitted by the carrier to the department at least four months  
9 prior to the desired inspection month, or at the time of payment of  
10 renewal inspection fees in compliance with paragraph (2),  
11 whichever date is earlier. A motor carrier may request this  
12 adjustment of the inspection term during any inspection cycle. A  
13 request made pursuant to this paragraph shall not result in a fee  
14 proration and does not relieve the carrier from the requirements of  
15 paragraph (2).

16 (f) It is unlawful for a motor carrier to operate any vehicle  
17 subject to this section without having submitted an inspection  
18 application and the required fees to the department as required by  
19 subdivision (e) or (h).

20 (g) It is unlawful for any motor carrier to operate any vehicle  
21 subject to this section after submitting an inspection application to  
22 the department, without the inspection described in subdivision  
23 (d) having been performed and a safety compliance report having  
24 been issued to the motor carrier within the 25-month inspection  
25 period or within 60 days immediately preceding the inspection  
26 period.

27 (h) (1) Any inspected terminal that receives an unsatisfactory  
28 compliance rating shall be reinspected within 120 days after the  
29 issuance of the unsatisfactory compliance rating.

30 (2) A terminal's first required reinspection under this  
31 subdivision shall be without charge unless one or more of the  
32 following is established:

33 (A) The motor carrier's operation presented an imminent  
34 danger to public safety.

35 (B) The motor carrier was not in compliance with the  
36 requirement to enroll all drivers in the pull notice program  
37 pursuant to Section 1808.1.

38 (C) The motor carrier failed to provide all required records and  
39 vehicles for a consolidated inspection pursuant to subdivision (b).

1 (3) If the unsatisfactory rating was assigned for any of the  
2 reasons set forth in paragraph (2), the carrier shall submit the  
3 required fee as provided in paragraph (4).

4 (4) Applications for reinspection pursuant to paragraph (3) or  
5 for second and subsequent consecutive reinspections under this  
6 subdivision shall be accompanied by the fee specified in paragraph  
7 (1) of subdivision (e) and shall be filed within 60 days of issuance  
8 of the unsatisfactory compliance rating. The reinspection fee is  
9 nonrefundable.

10 (5) When a motor carrier's Motor Carrier of Property Permit or  
11 Public Utilities Commission operating authority is suspended as  
12 a result of an unsatisfactory compliance rating, the department  
13 shall conduct no reinspection until requested to do so by the  
14 Department of Motor Vehicles or the Public Utilities Commission,  
15 as appropriate.

16 (i) It is the intent of the Legislature that the department make  
17 its best efforts to inspect terminals within the resources provided.  
18 In the interest of the state, the Commissioner of the California  
19 Highway Patrol may extend for a period not to exceed six months  
20 the inspection terms beginning prior to July 1, 1990.

21 (j) To encourage motor carriers to attain continuous  
22 satisfactory compliance ratings, the department may establish and  
23 implement an incentive program consisting of the following:

24 (1) After the second consecutive satisfactory compliance rating  
25 assigned to a motor carrier terminal as a result of an inspection  
26 conducted pursuant to subdivision (d), and after each consecutive  
27 satisfactory compliance rating thereafter, an appropriate  
28 certificate, denoting the number of consecutive satisfactory  
29 ratings, shall be awarded to the terminal, unless the terminal has  
30 received an unsatisfactory compliance rating as a result of any  
31 inspection conducted in the interim between the consecutive  
32 inspections conducted under subdivision (d), or the motor carrier  
33 is rated unsatisfactory by the department following a controlled  
34 substances and alcohol testing program inspection. The certificate  
35 authorized under this paragraph shall not be awarded for  
36 performance in the administrative review authorized under  
37 paragraph (2). However, the certificate shall include a reference to  
38 any administrative reviews conducted during the period of  
39 consecutive satisfactory ratings.

(2) Unless the department's evaluation of the motor carrier's safety record indicates a declining level of compliance, a terminal that has attained two consecutive satisfactory compliance ratings assigned following inspections conducted pursuant to subdivision (d) is eligible for an administrative review in lieu of the next required inspection, unless the terminal has received an unsatisfactory compliance rating as a result of any inspection conducted in the interim between the consecutive inspections conducted under subdivision (d). An administrative review shall consist of all of the following:

(A) A signed request by a terminal management representative requesting the administrative review in lieu of the required inspection containing a promise to continue to maintain a satisfactory level of compliance for the next 25-month inspection term.

(B) A review with a terminal management representative of the carrier's record as contained in the department's files. If a terminal has been authorized a second consecutive administrative review, the review required under this subparagraph is optional, and may be omitted at the carrier's request.

(C) Absent any cogent reasons to the contrary, upon completion of the requirements of subparagraphs (A) and (B), the safety compliance rating assigned during the last required inspection shall be extended for 25 months.

(3) Not more than two administrative reviews may be conducted consecutively. At the completion of the 25-month inspection term following a second administrative review, a terminal inspection shall be conducted pursuant to subdivision (d). If this inspection results in a satisfactory compliance rating, the terminal shall again be eligible for an administrative review in lieu of the next required inspection. If the succession of satisfactory ratings is interrupted by any rating of other than satisfactory, irrespective of the reason for the inspection, the terminal shall again attain two consecutive satisfactory ratings to become eligible for an administrative review.

(4) As a condition for receiving the administrative reviews authorized under this subdivision in lieu of inspections, and in order to ensure that compliance levels remain satisfactory, the motor carrier shall agree to accept random, unannounced inspections by the department.

(k) This section shall be known and may be cited as the Biennial Inspection of Terminals Program or BIT.

~~SEC. 2.—~~

SEC. 3. *Section 34620 of the Vehicle Code is amended to read:*

34620. (a) Except as provided in subdivision (b) and Section 34622, no motor carrier of property shall operate a commercial motor vehicle on any public highway in this state, unless it has complied with Section 34507.5 and has registered with the department its carrier identification number authorized or assigned thereunder, *and holds a valid motor carrier permit issued to that motor carrier by the department.* The department shall issue a motor carrier permit upon the carrier's written request, compliance with Sections 34507.5, 34630, ~~and~~ 34640, *and subdivisions (e) and (h) of Section 34501.12, for motor carriers listed in that section,* and the payment of the fee required by this chapter.

(b) No person shall contract with, or otherwise engage the services of, a motor carrier of property, unless that motor carrier holds a valid motor carrier of property permit issued by the department. No motor carrier of property shall contract or subcontract with, or otherwise engage the services of, another motor carrier of property, until the contracted motor carrier of property provides certification in the manner prescribed by this section, of compliance with subdivision (a). This certification shall be completed by the contracted motor carrier of property and shall include a provision requiring the contracted motor carrier of property to immediately notify the person to whom they are contracted if the contracted motor carrier of property's permit is suspended or revoked. A copy of the contracted motor carrier of property's permit shall accompany the required certificate. The Department of the California Highway Patrol shall, by regulation, prescribe the format for the certificate and may make available an optional specific form for that purpose. The certificate, or a copy thereof, shall be maintained by each involved party for the duration of the contract or period of service plus two years, and shall be presented for inspection at the location designated by each carrier under Section 34501.10, immediately upon the request of an authorized employee of the Department of the California Highway Patrol.

1 ~~(c) Motor carriers of property who were in compliance with the~~  
2 ~~insurance requirements of this state on the day prior to the effective~~  
3 ~~date of this section and continue to be in compliance with those~~  
4 ~~requirements may continue to operate until directed by the~~  
5 ~~department to obtain a motor carrier permit as required by~~  
6 ~~subdivision (a). The department shall require all of those carriers~~  
7 ~~to obtain permits pursuant to subdivision (a) on or before~~  
8 ~~December 31, 1998.~~

9 SEC. 4. Section 34621 of the Vehicle Code is amended to  
10 read:

11 34621. (a) The fee required by Section 7232 of the Revenue  
12 and Taxation Code shall be paid to the department upon initial  
13 application for a motor carrier permit and for annual renewal.

14 (b) An application for an original or a renewal motor carrier  
15 permit shall contain all of the following information:

16 (1) The full name of the motor carrier; any fictitious name  
17 under which it is doing business; address, both physical and  
18 mailing; and business telephone number.

19 (2) Status as individual, partnership, owner-operator, or  
20 corporation, and officers of corporation and all partners.

21 (3) Name, address, and driver's license number of  
22 owner-operator.

23 (4) California carrier number, number of commercial motor  
24 vehicles in fleet, interstate or intrastate operations, State Board of  
25 Equalization, federal Department of Transportation or Interstate  
26 Commerce Commission number, as applicable.

27 (5) Transporter or not a transporter of hazardous materials or  
28 petroleum.

29 (6) Evidence of financial responsibility.

30 (7) Evidence of workman's compensation coverage, if  
31 applicable.

32 (8) ~~Evidence~~ *Carrier certification* of enrollment in the biennial  
33 inspection of terminals (*BIT*) program under subdivisions ~~(d) to~~  
34 ~~(j), inclusive~~, *(e) and (h)* of Section 34501.12, unless otherwise  
35 exempted.

36 (9) ~~Evidence~~ *Carrier certification* of enrollment in a controlled  
37 substance and alcohol use and testing (*CSAT*) program required  
38 under Section 34520, unless otherwise exempted.

39 (10) Any other information necessary to enable the department  
40 to determine whether the applicant is entitled to a permit.

1     *SEC. 5. No reimbursement is required by this act pursuant to*  
2     *Section 6 of Article XIII B of the California Constitution because*  
3     *the only costs that may be incurred by a local agency or school*  
4     *district will be incurred because this act creates a new crime or*  
5     *infraction, eliminates a crime or infraction, or changes the penalty*  
6     *for a crime or infraction, within the meaning of Section 17556 of*  
7     *the Government Code, or changes the definition of a crime within*  
8     *the meaning of Section 6 of Article XIII B of the California*  
9     *Constitution.*

